

In The United States District Court  
For The District of Delaware

Arson I. Gibbs, Sr.,

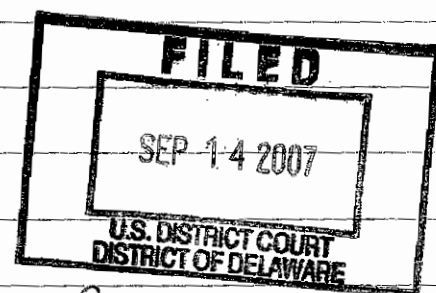
Civ. Act. No. 07-342-SLR

Plaintiff,

v.

Ruth Ann Minner, Governor,  
Et al.,

Defendants.



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Second Motion For Leave To Proceed  
Without Prepayment Of Filing Fees

The plaintiff, Arson I. Gibbs, Sr., pro se, presents this second Motion to proceed without prepayment of filing fees pursuant to 28 U.S.C.A. subsec. 1915(b)(4). The following reasons are averred in support of this Motion.

1) The Prison Litigation Reform Act (PLRA) imposes procedural barriers on prisoners bring suits challenging prison conditions. (18 U.S.C.A. subsec. 3626 and 28 U.S.C.A. subsec. 1932).

2) Under 28 U.S.C.A. Subsec. 1915(9), "Court must deny in forma pauperis status, or status allowing plaintiff to sue without prepayment of filing fees if the plaintiff has had three or more section 1983 Complaints while incarcerated dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted."

3) However: The plaintiff is not challenging prison conditions. Neither does the plaintiff come within the bounds of 28 U.S.C.A. Subsec. 1915(9).

4) Therefore, the plaintiff request to proceed without prepayment of filing fees under 28 U.S.C.A. Subsec. 1915(b)(4). There is simply no reason to procrastinate plaintiff's case by means of dilatoriness. Any further delay on litigation will only be vexatious litigation on the plaintiff, as was the Court's "Memorandum Order" of July 13, 2007.

Wherefore: The plaintiff pray that the Court will grant the relief sought.

Dated: September 7, 2007

Plaintiff,  
 Anson L. Gibbs, Sr.  
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